

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

**THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 18, 2015**

Senate Chamber

President Little called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senators Burgoyne and Werk, absent and formally excused by the Chair; and Senators Johnson, and Mortimer, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Miles Madden, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 17, 2015, was read and approved as corrected.

HAGEDORN, Vice-Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

February 17, 2015

The Honorable Brad Little
President of the Senate
Idaho State Capitol

Dear Mr. President:

I have accepted an appointment to the Idaho State Tax Commission offered by Governor C.L. "Butch" Otter. In accordance with Idaho Code 59-902 I am tendering my resignation from the Idaho State Senate effective immediately upon receipt of this letter.

It has been an honor serving the people of the great state of Idaho in the Idaho State Senate. I look forward to continuing my public service on the Idaho State Tax Commission.

Sincerely,
/s/ Senator Elliot Werk

The correspondence was ordered filed in the office of the Secretary of the Senate.

Senators Johnson and Mortimer were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 17, 2015

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1079](#) and [S 1081](#) with the recommendation that they do pass.

TIPPETS, Chairman

[S 1079](#) and [S 1081](#) were filed for second reading.

February 17, 2015

The TRANSPORTATION Committee reports out [S 1082](#) with the recommendation that it do pass.

BRACKETT, Chairman

[S 1082](#) was filed for second reading.

February 17, 2015

The TRANSPORTATION Committee reports out [S 1061](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRACKETT, Chairman

There being no objection, [S 1061](#) was referred to the Fourteenth Order of Business, General Calendar.

February 17, 2015

The HEALTH AND WELFARE Committee reports out [H 4](#), [H 5](#), [H 6](#), [H 7](#), [H 8](#), and [H 9](#) with the recommendation that they do pass.

HEIDER, Chairman

[H 4](#), [H 5](#), [H 6](#), [H 7](#), [H 8](#), and [H 9](#) were filed for second reading.

February 18, 2015

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1044](#) with the recommendation that it do pass.

SIDDOWAY, Chairman

[S 1044](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 16, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Darrell Bolz of Caldwell, Idaho, was appointed as a member of the State Public Defense Commission to serve a term commencing July 1, 2014, and expiring July 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

February 16, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sara Thomas of Meridian, Idaho, was appointed as a member of the State Public Defense Commission to serve a term commencing July 1, 2014, and expiring July 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 17, 2015

Dear Mr. President:

I transmit herewith [H 39](#), [H 75](#), [H 68](#), and [H 70](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 39](#), [H 75](#), [H 68](#), and [H 70](#) were filed for first reading.

February 17, 2015

Dear Mr. President:

I return herewith [S 1021](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1021](#) was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the following roster of minority leadership was ordered spread upon the pages of the Journal:

Minority Leader Senator Michelle Stennett
Assistant Minority Leader Senator Cherie Buckner-Webb
Minority Caucus Chairman Senator Grant Burgoyne

On request by Senator Davis, granted by unanimous consent, the seats, as presently occupied by minority leadership, were permanently assigned to the Senators for the Sixty-third Idaho Legislature.

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Debra Field retained its place on the calendar for Thursday, February 19, 2015.

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial reappointment confirmation of Shane Evans retained its place on the calendar for Thursday, February 19, 2015.

The President announced that [SJM 101](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator McKenzie, seconded by Senator Stennett, [SJM 101](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial reappointment of Jean Fisher was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Buckner-Webb, seconded by Senator Bayer, the Gubernatorial reappointment of Jean Fisher as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial reappointment of John Burnham was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Hill, seconded by Senator Stennett, the Gubernatorial reappointment of John Burnham as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 39](#) and [H 75](#), by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 68](#), by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 70](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1045 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1045** passed, title was approved, and the bill ordered transmitted to the House.

S 1026 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bayer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1026** passed, title was approved, and the bill ordered transmitted to the House.

S 1027 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hagedorn arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1027** passed, title was approved, and the bill ordered transmitted to the House.

S 1029 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1029** passed, title was approved, and the bill ordered transmitted to the House.

H 20 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Patrick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **H 20** passed, title was approved, and the bill ordered returned to the House.

H 10 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **H 10** passed, title was approved, and the bill ordered returned to the House.

H 11 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bayer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little called President Pro Tempore Hill to the Chair.

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [H 11](#) passed, title was approved, and the bill ordered returned to the House.

[H 12](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [H 12](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 13](#), [H 34](#), and [H 36](#) retained their place on the Third Reading Calendar for one legislative day.

[H 37](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Johnson (Lodge), Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [H 37](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out [H 15](#) and [S 1015](#), without recommendation, amended as follows:

SENATE AMENDMENT TO H 15

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 3, delete "evidence of the judicial filing" and insert: "a written request for a title stop and the required fee"; in line 9, following "received" insert: ", the requesting party has instructed the department to remove the stop, the requesting party has failed to respond to notice under paragraph (c) of this subsection,"; and following line 10 insert:

"(c) If a person files evidence with the department that they have acquired title to the vehicle for which a title stop has been placed, then the department shall send notice to the original requesting party providing ten (10) business days from the date notice was mailed to object to the release of the title stop. If the department does not receive timely response from the requesting party, or if the requesting party instructs the department to remove the stop, then the title stop shall be immediately released."

CORRECTION TO TITLE

On page 1, in line 12, following "STOP," insert: "TO PROVIDE THAT A PERSON MAY FILE EVIDENCE THAT THEY HAVE ACQUIRED TITLE TO A VEHICLE FOR WHICH A TITLE STOP HAS BEEN PLACED, TO PROVIDE FOR NOTICE, TO PROVIDE FOR THE RELEASE OF A TITLE STOP UNDER CERTAIN CONDITIONS,".

SENATE AMENDMENT TO S 1015

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 18 through 30, and insert:

~~"(a) All dealers, including wholesale, but excluding a dealer exclusively in the business of motorcycles, motor-driven cycles and motorbikes, all-terrain vehicles, utility type vehicles, truck campers and snow machine sales, twenty thousand dollars (\$20,000).~~

~~(b) A dealer exclusively in the business of motorcycle, motor-driven cycle and motorbike sales, all-terrain vehicles, utility type vehicles, truck campers and snow machine sales, ten thousand dollars (\$10,000).~~

(b) Any wholesale dealer in the business of wholesaling used vehicles of all types, forty thousand dollars (\$40,000). Such wholesale dealer licensees shall be exempt from participating in the Idaho consumer asset recovery fund as provided in sections 49-1608B through 49-1608F, Idaho Code.

(c) All other dealers, twenty thousand dollars (\$20,000)."

CORRECTION TO TITLE

On page 1, delete lines 3 through 6, and insert: "REMOVE BOND PROVISIONS RELATING TO CERTAIN DEALERS, TO REQUIRE THE PROCUREMENT AND FILING OF A SPECIFIED BOND BY WHOLESALE DEALERS, TO PROVIDE AN EXEMPTION FROM PARTICIPATION IN

THE IDAHO CONSUMER ASSET RECOVERY FUND BY CERTAIN WHOLESALE DEALER LICENSEES AND TO SPECIFY BOND REQUIREMENTS FOR ALL OTHER DEALERS."

The Committee also has [S 1061](#) under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

[S 1015](#), as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 15](#), as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Thursday, February 19, 2015.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary